

**STATE OF NORTH DAKOTA
DEPARTMENT OF HUMAN SERVICES
CHILD SUPPORT ENFORCEMENT DIVISION
NON-TANF SUPPORT ENFORCEMENT SERVICES AND RESPONSIBILITIES**

The Child Support Enforcement Division in cooperation with the Regional Child Support Enforcement Unit (CSE) provides locate, paternity, child support, spousal support, and medical support services. Persons who are recipients or former recipients of Temporary Assistance for Needy Families (TANF) receive these services without a separate application. Persons who have not received TANF may apply for these services; these cases are called "Non-TANF" cases. This Notice describes CSE's services, the responsibilities of the persons receiving the services, the fees, the accounting procedures, and the use and disclosure of information for Non-TANF cases.

SERVICES - ALL CASES

1. CSE will determine the methods and strategies used to collect support and fulfill its duties.
2. CSE will make reasonable efforts, consistent with its priorities and procedures, to:
 - a. Locate the noncustodial parent;
 - b. Obtain a judicial order establishing the noncustodial parent's child support obligation according to North Dakota child support guidelines, if no order exists;
 - c. Establish paternity;
 - d. Enforce judicial child support orders;
 - e. Collect ordered spousal support if current child support, based on the same court order, is being collected;
 - f. Collect interest;
 - g. Enforce health insurance coverage if (1) you do not have satisfactory health insurance coverage, (2) the support order includes provisions for health insurance coverage, (3) **and health insurance is available through the noncustodial parent's employer or other group health insurance carrier.** (If there is no court order for support or the current support order has no provision for health insurance, CSE may petition the court to include health insurance coverage. CSE will not collect deductibles, coinsurance amounts, or past due medical costs from the noncustodial parent); and
 - h. Review cases for potential adjustment to the support amount, either upward or downward, using North Dakota child support guidelines. (A review of the support amount may be requested by either parent).
3. CSE will monitor for delinquent child support payments through a delinquency control system and will try to initiate appropriate enforcement action when CSE becomes aware of the delinquency.
4. If the noncustodial parent lives in a state other than North Dakota, CSE may have to refer your case to that state to establish or enforce child support payments. Because of differences in state laws and procedures, out-of-state cases present additional problems and often take more time. CSE will release any information contained in office records to another state or jurisdiction when interstate enforcement action requires the information.
5. In performing services for you, CSE is assisted by attorneys from counties within the state. These attorneys represent the state. They are not your personal attorneys.

This means that no attorney-client relationship exists between you and the CSE attorney. It also means that in the event of a conflict between your interests and those of the state, the CSE attorney will have to resolve the conflict in favor of the state's interests. Should the CSE attorney become aware of such a conflict of interest, he or she will endeavor to inform you.

CSE cannot provide all the services that you may receive from a private attorney. For example, CSE cannot provide services to you regarding custody, visitation, or any other issue not directly related to child support.

If you require legal advice, desire specific legal action, or desire routine involvement in deciding the methods to be used in your case, you may want to consider using a private attorney who may be able to provide you with more individualized service.

6. Your case will close under the following conditions:

- I.
 - a. Upon your written request;
 - b. When CSE has been advised that you have applied for services in another state, or
 - c. When locate-only services have been provided.

You may request CSE to reinstate your services if changed circumstances could lead to the establishment of paternity, establishment or enforcement of a support order, or a review and adjustment of the support order or, in accordance with federal regulations found at 45 C.F.R. 303.11.

- II.
 - a. If your child has reached the age of majority, there is no longer a current support order, and arrears are under \$500 or unenforceable under state law;
 - b. If your child has not reached the age of majority but there is no longer a current support order and arrears are under \$500 or unenforceable under state law;
 - c. If CSE has information that you no longer have legal or physical custody of your child or children;
 - d. If CSE has been unable to contact you for more than sixty days despite attempts to do so that include at least one letter sent by first class mail to your last known address;
 - e. If CSE cannot obtain jurisdiction over the noncustodial parent;
 - f. If the noncustodial parent has died and no further action can be taken;
 - g. If paternity cannot be established because the child is 21 years of age or older, or genetic testing or the court has excluded the alleged father;
 - h. If CSE has been unable to locate the noncustodial parent for three years if the noncustodial parent's social security number is known or for one year if the noncustodial parent's social security number is not known;
 - i. If the noncustodial parent has been institutionalized in a psychiatric facility or is incarcerated with no chance of parole and cannot reasonably be anticipated to pay support for the time remaining until the child or children reach the age of majority;
 - j. If the noncustodial parent has a medically verified total and permanent disability with no evidence of support potential;
 - k. If the noncustodial parent is a citizen of and lives in a foreign country, does not work for the United States government or for a company with offices in the United States, has no reachable domestic income or assets, and CSE does not have reciprocity with the foreign country;
 - l. If CSE has documented evidence that you have not cooperated and your cooperation is essential for the next enforcement step.
Failure to cooperate includes:
 - (1) Failure to appear at a CSE office or at another location designated by CSE to provide information, testimony, or evidence for the purpose of legal proceedings; or
 - (2) Failure to report to CSE any child support payments that are made directly to you; or
 - (3) Failure to repay to CSE any child support collections you receive that you are not entitled to keep.

CSE will not terminate services for any of these reasons if you contact CSE, **within 60 days** after issuance of a written notice of termination, and provide information that could lead to the location of the noncustodial parent or to the establishment or enforcement of a support order. After 60 days, you may request CSE to reinstate your services if changed circumstances could lead to the establishment of paternity, establishment of a support order, or the enforcement of a support order.

TAX REFUND OFFSET

1. CSE may submit your case for federal and/or state tax refund offset. With this method of collecting child support arrears, the noncustodial parent's tax refund is intercepted and applied to arrears.
2. Conditions for submittal for tax refund offset are as follows:
 - a. You must be a Non-TANF applicant pursuant to Section 454(6), Title IV of the Social Security Act, and you cannot obtain only tax refund offset services.
 - b. There must be a valid court or administrative order for child support.
 - c. The noncustodial parent must have child support arrears of at least \$500 that are owed for a child who is still a minor as of December 31 of the submittal year.
 - d. The noncustodial parent's social security number has been verified.
 - e. You may need to provide CSE with a copy of the order and any modifications. In cases with arrears from a time period prior to application for CSE services, you must provide a certified copy of the support payment record or a signed affidavit before these arrears can be submitted for offset.

3. There is no guarantee that monies will be collected on your behalf.
4. If a collection is made on your behalf, CSE has the authority to hold the refund, if it involves a joint return, for up to six months before sending the collection to you.
5. If you have received public assistance in the past and any states have submitted a debt for federal tax refund offset, the State's debt will be satisfied first.
6. Other federal agencies submitting debts will also be satisfied first.
7. You are personally liable for the repayment of any monies received by you that were an overpayment, including any amounts that may be returned to the noncustodial parent due to the filing of an amended return by the noncustodial parent's spouse. The amended return may be filed as much as six years later.

ACCOUNTING PROCEDURES

1. CSE will endorse checks, money orders, and drafts received for you in payment of support. This is necessary to allow the office to process payments.
2. When money is collected for child support, CSE will determine where the money should be applied according to federal and state distribution requirements.

Example: Payments are usually applied to current child and medical support first. However, money sent to us from a federal tax refund offset cannot be applied to current support. Tax refunds may only be applied to arrears that were certified (reported) to the IRS.

3. When the noncustodial parent, an employer, the Secretary of the Treasury, the State Tax Commission, etc., sends a support payment to CSE, CSE will send the appropriate amount to you. This is an "advance" of funds pending the actual processing of the support payment. If the office is unable to process the support payment for any reason, you must repay CSE.

Example A: If the noncustodial parent's support check is written on insufficient funds (bounces) and efforts to get the noncustodial parent to make the check good fail, you must repay the amount of the advance to CSE.

Example B: If the Internal Revenue Service takes back the amount of the federal tax refund offset, you must repay the amount of the advance to CSE.

To facilitate this repayment process, you may authorize CSE to withhold a reasonable amount from future support payments as repayment. This authorization may be given as part of the application process but it is not a requirement in order to receive services from CSE. If you do not give authorization as part of the application process and repayment becomes necessary, CSE will attempt to set up a repayment plan with you or seek repayment through the courts if necessary.

COSTS AND FEES

1. If, in a paternity case, you name someone as the father and this individual is later excluded by genetic tests, you may be required to pay the cost of the genetic tests.
2. If you request your case be referred to the Secretary of the Treasury for full enforcement services by the IRS and CSE approves this request, you must pay \$122.50, which is the fee charged by the IRS for this service.
3. You may be required to pay additional court costs.
4. CSE reserves the right to charge additional fees; however, you will receive notification at least thirty days prior to implementation of any new fee schedule or collection of any fee for future services.

PARENT'S RESPONSIBILITIES

1. If you receive your child support payment directly from the noncustodial parent it is your responsibility to report the money to CSE immediately. All child support payments must be reported to CSE. It is necessary to report these payments to CSE for proper accounting and recording and to enable CSE to claim federal funding for the costs of the service.
2. CSE is most effective when you work with them to enforce child support orders. You may assist CSE by:
 - a. Providing certified copies of your support orders. This is usually a decree of divorce, but could be another type of order such as a paternity order, juvenile court order, separate maintenance order, or an order modifying child support or spousal support obligations.
 - b. Completing and returning, as quickly as possible, all forms, requests for information, or data requested by CSE.
 - c. Informing any agent or lawyer, whom you retain to assist in other domestic matters, that you have given CSE authority to collect your child and spousal support.
 - d. Notifying CSE if you, either personally or through a private attorney, filed any pleadings to establish or modify a support obligation or to recover support due.
 - e. Promptly furnishing any changes in your address or in the noncustodial parent's address.
 - f. Refraining from personally contacting the noncustodial parent's employer.
 - g. Calling for an appointment if you wish to see your child support worker.

USE AND DISCLOSURE OF INFORMATION

1. Information you provide CSE may be disclosed to, and used by, public officials who require such information in connection with their official duties.
2. Information you provide CSE will be used for purposes directly connected with the administration of CSE. This may include the use and disclosure of social security numbers, of you and your child(ren), for various purposes such as locating the noncustodial parent, cataloging the case files, submitting cases for tax refund offset and securing health insurance coverage for child(ren). Social security numbers may be disclosed to the noncustodial parent or noncustodial parent's health insurance company in order to enroll the child(ren) in medical insurance.
3. CSE will follow all federal and state confidentiality requirements, in regard to safeguarding of information.

If you have any questions regarding this information, please contact your local Regional Child Support Enforcement Unit listed below:

Bismarck RCSEU
514 E Thayer Avenue
Bismarck, ND 58501
(701) 222-6721
TTY: (701) 222-6726

Dickinson RCSEU
135 Sims Street #202
Dickinson, ND 58601
(701) 227-7424
TTY: (701) 456-7675

Grand Forks RCSEU
151 S Fourth Street #N101
Grand Forks, ND 58201
(701) 787-8575

Minot RCSEU
305 17th Avenue SW Suite A
Minot, ND 58701
(701) 857-7696
TTY: (701) 857-6499

Devils Lake RCSEU
206 Fifth Street NE
Devils Lake, ND 58301
(701) 662-5374
TTY: (701) 662-7088

Fargo RCSEU
211 S Ninth Street
Fargo, ND 58102
(701) 241-5640
TTY: (701) 239-6784

Jamestown RCSEU
804 13th Street NE
Jamestown, ND 58401
(701) 252-7394

Williston RCSEU
205 E Broadway
Williston, ND 58801
(701) 577-4560
TTY: (701) 572-1720

The Department of Human Services makes available all services and assistance without regard to race, color, religion, national origin, age, sex, political beliefs, disability, or status with respect to marriage or public assistance. The Department of Human Services makes its programs accessible to persons with disabilities. Persons needing accommodation or who have questions or complaints regarding the provision of services should contact their local Child Support Enforcement Unit or the State Child Support Enforcement Division at (701) 328-3582 or toll free in ND: 1-800-755-8530; TTY: 1-800-366-6889.